

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN**

SOUTHERN DIVISION

In re

CITY OF DETROIT, MICHIGAN,

Debtor.

Chapter 9

Case No. 13-53846

Hon. Steven W. Rhodes

Expedited Consideration Requested

**DEBTOR’S *EX PARTE* MOTION FOR AN ORDER SHORTENING
NOTICE AND SCHEDULING AN EXPEDITED HEARING, IF
NECESSARY, WITH RESPECT TO DEBTOR’S MOTION FOR ENTRY OF
A PROTECTIVE ORDER STRIKING SYNCORA’S DEMAND IN ITS
RULE 30(B)(6) DEPOSITION NOTICE FOR THE
PERSONAL FINANCIAL INFORMATION OF ALL CITY RETIREES**

The City of Detroit hereby moves *ex parte* for the entry of an order pursuant to Rules 9006(c)(1) and 9007 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) and Rule 9006-1(b) of the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the Eastern District of Michigan (the “Local Rules”) (a) shortening the notice period with respect to the Debtor’s Motion For Entry of a Protective Order Striking Syncora’s Demand in Its Rule 30(b)(6) Deposition Notice for the Personal Financial Information of All City Retirees (the “Motion”) so that objections to the Motion, if any, must be filed no later than June 23, 2014, and (b) scheduling a

hearing on the Motion, if any objections are raised, for June 26, 2014 at 10:00 a.m.

In support of this *Ex Parte* Motion, the City respectfully states as follows:

Jurisdiction and Venue

1. The Court has jurisdiction over this matter under 28 U.S.C. §§ 157 and 1334. This is a core proceeding under 28 U.S.C. § 157(b). Venue is proper in this district under 28 U.S.C. §§ 1408 and 1409.

Relief Requested

2. The City filed the Motion contemporaneously with the filing of the instant *Ex Parte* Motion. In the Motion, the City seeks entry of an order striking from Syncora's Rule 30(b)(6) deposition notice its demand that the City produce a witness to testify as to the personal financial condition of each of the City's more than 20,000 retirees (the "Personal Finances Topic").

3. By this *Ex Parte* Motion, the City seeks an order (a) shortening the notice period with respect to the Motion so that objections to the Motion, if any, must be filed no later than June 23, 2014, and (b) scheduling a hearing on the Motion, if any objections are filed, on June 26, 2014 at 10:00 a.m.

Basis for Relief

4. Bankruptcy Rule 9006(c)(1) provides that “when an act is required or allowed to be done at or within a specified time by these rules or by a notice given thereunder or by order of court, the court for cause shown may in its discretion with or without motion or notice order the period reduced.” Fed. R. Bankr. P. 9006(c)(1). Local Rule 9006-1(b) further provides that “a party may file a motion for an *ex parte* order reducing or enlarging the time for a party to take any action or file any paper.” E.D. Mich. LBR 9006-1(b).

5. In addition, pursuant to Bankruptcy Rule 9007, “[w]hen notice is to be given under the [Bankruptcy Rules], the court shall designate, if not otherwise specified herein, the time within which, the entities to whom, and the form and manner in which the notice shall be given.” Fed. R. Bankr. P. 9007.

6. Together, these rules provide the Court with the authority to enter an *ex parte* order scheduling a hearing on shortened notice and approve the manner of notice of such hearing.

7. As explained more fully in its Motion, the City believes that the Personal Finances Topic is overly broad, unduly burdensome, irrelevant and personally intrusive. Because fact depositions are already being scheduled, and Syncora refuses to withdraw the Personal Finances Topic, it is necessary to bring the Motion before the Court expeditiously.

8. The Court already has a status conference scheduled on June 26, 2014 at 10:00 a.m. Hearing the Motion at the same time will promote judicial efficiency and ensure that the issue of the Personal Finances Topic is resolved well within the period for fact depositions.

9. The City will serve this *Ex Parte* Motion via the Court's ECF system to the parties registered to receive notice in the above-captioned proceeding.

10. For these reasons, the City submits that cause exists to shorten the notice on the Motion so that objections are due June 23, 2014 and to schedule a hearing on the Motion, if necessary, for June 26, 2014, at 10:00 a.m.

WHEREFORE, the City respectfully requests that the Court enter an order, substantially in the form attached as Exhibit 1, granting the relief requested in this *Ex Parte* Motion and granting such further relief as the Court deems appropriate.

Dated: June 18, 2014

Respectfully submitted,

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**ATTORNEYS FOR THE CITY OF
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EXHIBIT 1

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN**

SOUTHERN DIVISION

In re

CITY OF DETROIT, MICHIGAN,

Debtor.

Chapter 9

Case No. 13-53846

Hon. Steven W. Rhodes

**ORDER GRANTING DEBTOR'S *EX PARTE* MOTION FOR AN ORDER
SHORTENING NOTICE AND SCHEDULING
AN EXPEDITED HEARING**

This matter coming before the Court on Debtor's *Ex Parte* Motion for an Order Shortening Notice and Scheduling an Expedited Hearing with Respect to Debtor's Motion For Entry of a Protective Order Striking Syncora's Demand in Its Rule 30(b)(6) Deposition Notice for the Personal Financial Information of All City Retirees (the "Motion");¹ the Court having reviewed the Motion; having found that (i) the Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334, (ii) venue is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409, (iii) this is a core proceeding pursuant to 28 U.S.C. § 157(b), and (iv) notice of the Motion was sufficient under the circumstances; having determined after due

¹ Capitalized terms not otherwise defined herein have the meanings given to them in the Motion.

deliberation that the relief requested in the Motion is in the best interests of the Debtor and its creditors; and good and sufficient cause having been shown;

IT IS HEREBY ORDERED THAT:

1. The Motion is **GRANTED**.
2. Objections to the Debtor's Motion shall be filed no later than June 23, 2014.
3. If any objection is filed, a hearing with respect to the Debtor's Motion shall be held on June 26, 2014, at 10:00 a.m. (prevailing Eastern Time) before the Hon. Steven Rhodes in Courtroom 100, Theodore Levin United States Courthouse, 231 W. Lafayette Blvd., Detroit, Michigan.